

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

IN RE: § CASE NO. 14-53152-RBK  
RICHARD LESLIE PAMPLIN AND §  
DEBORAH JEAN PAMPLIN, §  
Debtors § CHAPTER 7

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COFFEE TIME, INC., §  
Plaintiff §  
§  
vs. § ADVERSARY NO. \_\_\_\_\_  
§  
RICHARD LESLIE PAMPLIN §  
§  
Defendant §

**COMPLAINT OBJECTING TO DISCHARGEABILITY**  
**OF DEBT PURSUANT TO 11 U.S.C. §523**

TO THE HONORABLE RONALD B. KING, CHIEF UNITED STATES BANKRUPTCY  
JUDGE:

NOW COMES, COFFEE TIME, INC., Plaintiff herein, by and through  
its attorney of record, JAMES S. WILKINS, and files this its  
Complaint Objecting to Dischargeability of a Debt Pursuant to 11  
U.S.C. §523, against RICHARD LESLIE PAMPLIN, Defendant, and would  
respectfully show unto the Court as follows:

**I.**

JURISDICTION

1. This Court has jurisdiction over this matter pursuant to  
28 U.S.C. §§ 157 and 1334. These proceedings constitute core  
proceedings pursuant to 28 U.S.C. §157(b)(2)(I).

2. This is an adversary proceeding objecting to the dischargeability of certain debt pursuant to 11 U.S.C. §523, and Bankruptcy Rules 4004(d) and 7001(4).

## **II.**

### PARTIES

3. Plaintiff, COFFEE TIME, INC., is a Kansas corporation that is currently active and in good standing. Its principal office is located at 29270 W. 199<sup>th</sup> Street, Gardner, Kansas, 66030. The Plaintiff's Registered Agent is KELLY L. STEPHENSON, the President and Trustee of the COFFEE TIME, INC.

4. Defendant, RICHARD LESLIE PAMPLIN is an individual who is the Debtor in the above referenced Chapter 7 bankruptcy case. Pursuant to Federal Rule of Bankruptcy Procedure 7004(b)(9), said Defendant shall be served with this Complaint by mailing a copy of the same to the Debtor's last known address as stated on the record at the §341 Meeting, which is 1415 Belclaire, San Antonio, Texas 78258 and to Debtor's attorney of record at his address. Hereinafter, Defendant shall be referred to as the Debtor or Defendant.

## **III.**

### FACTS

5. On or around the 30<sup>th</sup> day of October 2007, the Defendant prepared one Promissory Note in the principal sum of \$99,000.00. A copy of said Promissory Note is attached hereto as Exhibit "A"

and incorporated herein for all purposes. Furthermore, the Defendant prepared all documents related to this loan transaction. As such, the Defendant was required to prepare all documents in a recordable and legal format.

6. Prior to the preparation of the Promissory Note, the Defendant made verbal representations and written representations to the Plaintiff's representatives that the note would be secured by a Deed of Trust. A copy of the Deed of Trust is attached hereto as Exhibit "B" and incorporated herein for all purposes. A copy of the written representation regarding the recordation of that Deed of Trust is attached hereto as Exhibit "C" and incorporated herein for all purposes.

7. Exhibit "C" indicates that the Plaintiff's representative should look over and sign the enclosed documents before a notary public, wire funds and the Defendant would record the documents once received. In an e-mail, the Defendant acknowledged receipt of the loan document package from the Plaintiff, KELLY STEPHENSON. Yet, that recordation never occurred. As such, the Plaintiff never complied with that promise to record the Deed of Trust and provide security for the loan transaction. But for these materially false representations the Plaintiff, through its authorized representative would never had make the loan.

8. Furthermore, on June 1, 2010, Plaintiff, COFFEE TIME, INC., instituted a lawsuit against NETWORTH CASHFLOW SYSTEMS, LLC

and RICHARD PAMPLIN, in the District Court of Johnson County, Kansas, Civil District Department in Cause No. 10CV04898, Court No.

2. In that cause of action, the Plaintiff sued the Defendant on the above referenced Note and additionally indicated an alleged in the petition that: "Defendant failed to secure the Note with the Deed on the property as promised.

9. On January 14, 2011, a general entry of default was entered against the Defendant, RICHARD PAMPLIN. A true and correct copy of that general entry of default judgment is attached hereto as Exhibit "D" and incorporated herein for all purposes.

#### **IV.**

##### **A. FIRST CAUSE OF ACTION**

10. The Plaintiff incorporates Paragraphs 1 through 9 above, as if fully set forth verbatim herein.

11. Plaintiff seeks a determination from the Court that the obligation as set forth above should be nondischargeable pursuant to 11 U.S.C. §523(a)(2)(A).

##### **B. SECOND CAUSE OF ACTION**

12. The Plaintiff incorporates Paragraphs 1 through 10 above, as if fully set forth verbatim herein.

13. Plaintiff seeks a determination that the obligations as set forth above are nondischargeable pursuant to §523(a)(6).

#### **V.**

It has become necessary for the Plaintiff to engage the services of the undersigned attorney to represent it herein.

Accordingly, this Plaintiff seeks reimbursement for these attorney's fees against the Defendant and/or the Debtor's Chapter 7 Estate.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that the discharge of the Debtor's debt to Plaintiff be denied and confirmation revoked, that he be granted reasonable attorney's fees, costs of Court, and for such other and further relief, at law or in equity, to which Plaintiff may be justly entitled.

Respectfully submitted,

WILLIS & WILKINS, L.L.P.

/s/James S. Wilkins  
BY: JAMES S. WILKINS  
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San Antonio, TX 78205  
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TBN 21486500

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing instrument was forwarded via United States Mail, First Class, postage prepaid, to the parties on the attached Service List on April 2, 2015.

Richard Leslie Pamplin  
1415 Belclaire  
San Antonio, TX 78258

Chance M. McGhee  
Attorney at Law  
8207 Callaghan Road, Suite 250  
San Antonio, TX 78230

/s/James S. Wilkins  
JAMES S. WILKINS